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C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

184796  
**INTERVENOR**

#1 D. Duke

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Coleman F. Buckhouse, MD

**OFFICE OF GENERAL COUNSEL**

March 6, 2007

**VIA HAND DELIVERY**

Charles Terreni, Esquire  
The Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

Re: Application of Shoals Sewer Company, Inc. for Approval of Transfer of  
Sewer System to Jay M. Salley and Bonnie J. Santos  
Docket No. 2007-40-S

Dear Mr. Terreni:

Enclosed please find the original and one copy of *Petition of the South Carolina Department of Health and Environmental Control to Intervene* for filing in the above-referenced matter. Kindly clock stamp the copy and return it via our courier.

If you have any questions regarding this matter, please do not hesitate to call our office.

Sincerely yours,

*Julie F. McIntyre*  
Julie F. McIntyre  
SC DHEC Staff Attorney

JFM/csh

cc: (w/Enclosure)

Wendy B. Cartledge, Esq.  
**Office of Regulatory Staff**  
Post Office Box 11263  
Columbia, South Carolina 29211

Ms. Bonnie Santos  
127 Quail Circle  
Central, South Carolina 29630

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07 MAR - 6 AM 11:08  
RETURN DATE:  
SERVICE: *OK D. Duke*

**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**Office of General Counsel**

**Columbia Office • 2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3350 • Fax: (803) 898-3367 • [www.scdhec.gov](http://www.scdhec.gov)**

Charles Terreni, Esquire  
March 6, 2007  
Page 2

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Mr. Fred Allen  
**Shoals Sewer Company, Inc.**  
99 Harbor Drive  
Anderson, South Carolina 29625

Mr. Jay Salley  
127 Quail Circle  
Central, South Carolina 29630

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**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2007-40-S**

**IN RE: Application of Shoals Sewer     )**  
**Company, Inc. for Approval of     )**  
**Transfer of Sewer System to     )**  
**Jay M. Salley and Bonnie J. Santos     )**

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SC PUBLIC SERVICE  
COMMISSION

**PETITION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL CONTROL TO INTERVENE**

**NOTICE OF MOTION**

In accordance with 26 S.C. Code Ann. Reg. 103-836 (Supp. 2006), Petitioner South Carolina Department of Health and Environmental Control ("DHEC" or "the Department") herein petitions to intervene in the formal proceedings in the above captioned action on the grounds set forth below.

**A. The facts from which the nature of the Department's interests can be determined:**

On January 25, 2007, Mr. Fred Allen, President, Shoals Sewer Company, Inc. ("Applicant") filed an application, pursuant to 26 S.C. Code Ann. Reg. 103-504, requesting that the Public Service Commission (the "Commission") expedite and approve transfer of the Shoals Sewer Company, Inc., including the wastewater treatment facility, infrastructure and assets and operating authority serving Shoals Subdivision and Anchor Point Condominiums and treating approximately 12,000 gallons per day. On January 31, 2007, staff in the Bureau of Water of the Department of Health and Environmental Control ("DHEC" or the "Department") wrote the

proposed buyers, copying Mr. Allen's counsel, and informed them that the Department must approve the transfer of the operating permit for the facility. See Exhibit 1, Department Letter of January 31, 2007. In order to approve the transfer, the Department has to receive both an application to transfer the facility and a business plan. To date, neither has been received by the Department. See Exhibit 2, Affidavit of Mike Montebello.

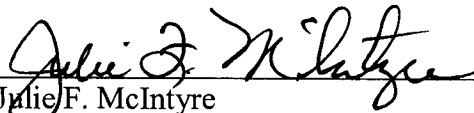
**B. The Grounds of the proposed intervention:**

1. The Department is responsible for regulating discharges of treated wastewater to the environment so that citizens and the environment in the State of South Carolina may be protected.
2. The Applicant and the prospective transferee are required to apply to DHEC for transfer of the facilities and to date have failed to do so. 24 S.C. Code Ann. Reg. §61-9.122 and 24A S.C. Code Ann. Reg. §61-58.1.
3. No other party can raise or defend the Department's position.

**C. The Department's position in the proceeding:**

Approval of the transfer by the Public Service Commission should not be approved until the Applicant and the prospective buyer apply for and receive approval of the transfer of these facilities by DHEC.

Respectfully submitted,

  
Julie F. McIntyre  
Attorney for South Carolina Department  
for Health And Environmental Control  
2600 Bull Street  
Columbia, South Carolina 29201-1708  
(803)898-3351  
(803)898-3367 (FAX)

March 6, 2007  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

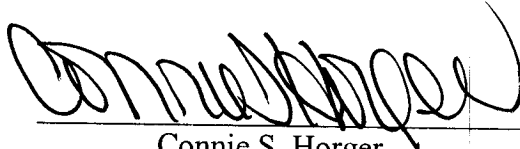
The undersigned for the South Carolina Department of Health and Environmental Control ("DHEC"), states that she has on March 6, 2007, served upon the necessary parties the **Petition of the South Carolina Department of Health and Environmental Control to Intervene**, via U.S. mail, addressed as follows:

Wendy B. Cartledge, Esq.  
**Office of Regulatory Staff**  
P.O. Box 11263  
Columbia, South Carolina 29211

Mr. Fred Allen  
**Shoals Sewer Company, Inc.**  
99 Harbor Drive  
Anderson, South Carolina 29625

Ms. Bonnie Santos  
127 Quail Circle  
Central, South Carolina 29630

Mr. Jay Salley  
127 Quail Circle  
Central, South Carolina 29630

  
\_\_\_\_\_  
Connie S. Horger

Columbia, South Carolina  
March 6, 2007

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